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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

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April 6, 2010

Mr. Richard Carter, Plant Manager
Sunnyside Cogeneration Associates
One Power Plant Road
P.O. Box 159
Sunnyside, Utah 84539

Subject: 2009 Annual Report Review, Sunnyside Refuse/Slurry, C/007/0035, Task ID #3515
Outgoing File

Dear Mr. Carter:

The Division staff has completed the 2009 Annual Report Review. Enclosed is a copy of the review for Sunnyside Refuse/Slurry, C/007/0035 completed on April 5, 2010.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron Haddock
Permit Supervisor

sqs
Enclosure
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This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendices to the Division by April 30, 2010. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

GENERAL INFORMATION

Permittee Name	Sunnyside Cogeneration Associates
Mine Name	Sunnyside Refuse/Slurry
Operator Name	
(If other than permittee)	
Permit Expiration Date	February 4, 2013
Permit Number	C/007/0035
Authorized Representative Title	Richard Carter. Plant Manager
Phone Number	(435) 888-4476
Fax Number	(435) 888-2358
E-mail Address	rnetz@emerytelcom.net
Mailing Address	One Power Plant Road P.O. Box 159 Sunnyside, UT 84539
Designated Representative	Richard Carter
Resident Agent	Richard Carter
Resident Agent Mailing Address	One Power Plant Road P.O. Box 159 Sunnyside, UT 84539
Number of Binders Submitted	2

Operator, please update any incorrect information.

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-02093	Waste Coal Site	
MSHA Impoundment(s)	1211-UT-09-02093-01	Coarse Refuse Pile	
	1211-UT-09-02093-04	Excess Spoil Disposal Area #1	
	1211-UT-09-02093-05	Excess Spoil Disposal Area #2	
NPDES/UPDES Permit(s)	UT0024759		July 31, 2012
PSD Permit(s) (Air)	700030001	Air Quality Title V Operating Permit	
	DAQE-AN0096020-06	Latest Revised Permit	
Other			

Operator, please update any incorrect information.

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included Included	or	DOGM file location Vol, Chapter, Page
	Yes	No			
Excess Spoil Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Refuse Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Operator Comments:

Inspector:

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments: The 2009 annual report contains First, Second, Third and Forth 2009 quarter reports for all of the sediment ponds, excess spoil piles 1 & 2, and the coarse refuse pile. All reports are certified, dated, and stamped by a Utah P.E.

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100

Soils R645-301-200

Title: EXCESS SPOIL (refuse) SAMPLING

Objective: To evaluate the chemistry of the waste rock for the purpose of determining final cover depth requirement per R645-301-553.252.

Frequency: After completion of each 2 - 4 ft lift

Status: on-going

Reports: Annual Report

Citation: MRP chap 9, p. 900-12 and Appendices 9.5 and 9-7.

Operator: Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;

Operator Comments:

Inspector:

Has the operator complied with this commitment? Yes ☐ No ☒

Inspector Comments: The 2009 annual report indicates that these samples have been pulled, but that not all of the analytical test results have been received from the lab. The results are supposed to be submitted with the 2010 quarterly inspection report.

Biology R645-301-300

Title: MIGRATORY ROUTES

Objective: To maintain large animal migratory routes where excavation related structures prevent necessary migrations.

Frequency: As needed.

Status: Ongoing.

Reports: Annual.

Citation: Book 2, chapter 3, page 300-14, paragraph 10

Operator: Has this commitment been acted on this year?

Yes ☐ No ☒ Not required this year. ☐ If yes, comment;

Operator Comments:

Inspector:

Has the operator complied with this commitment? Yes ☒ No ☐

Inspector Comments: No information submitted with the 2009 annual report.

Title: EMPLOYEE AWARENESS PROGRAM**Objective:** To protect and enhance wildlife populations.**Frequency:** As needed.**Status:** Ongoing**Reports:** Annual.**Citation:** Book 2, chapter 3, page 300-15, paragraph 2.**Operator:** Has this commitment been acted on this year?Yes ☐ No ☒ Not required this year. ☐ If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes ☒ No ☐**Inspector Comments:** Frequent training sessions occur at this facility. This item is addressed as needed.**Title: ANNUAL RECLAMATION****Objective:** To reclaim areas no longer needed for mining activities and reduce the acreage under the current reclamation cost estimate.**Frequency:** Annually.**Status:** Ongoing.**Reports:** Annual.**Citation:** Book 6, chapter 9, page 900-25, section 9.12, paragraph 2.**Operator:** Has this commitment been acted on this year?Yes ☐ No ☒ Not required this year. ☐ If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes ☒ No ☐**Inspector Comments:** Mining of coarse refuse as a source of fuel for power generation is consistently occurring, thereby reducing the required reclamation footprint. No areas have been reclaimed in 2009. Excess spoil pile #2 is nearing the designed capacity and may occur in 2010.

Title: ANNUAL RECLAMATION

Objective: Excess Spoil Pile #2 will likely reach design height in the next six months (personal communication with Rusty Netz, Aug 5, 2009). I discussed with Rusty the final sampling of the waste pile on a per acre basis as described in the MRP and using the recommended analyses described in the Division Guidelines for Topsoil and Overburden.

Frequency: When maximum refuse pile height is attained.

Status: 2009 or 2010 .

Reports: Annual.

Citation: Book 6, chapter 9, page 900-25, section 9.12, paragraph 2.

Operator: Has this commitment been acted on this year?

Yes ☐ No ☒ Not required this year. ☐ If yes, comment;

Operator Comments:

Inspector:

Has the operator complied with this commitment? Yes ☒ No ☐

Inspector Comments: Excess spoil pile #2 is nearing the designed capacity and may occur in 2010 depending on the amount of material generated and placed in the pile.

Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

Other Commitments

*Reminder: If equipment has been abandoned during 2009, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

Operator Comments:

Inspector:

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments: No information submitted with the 2009 annual report.

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report

Legal / Financial Update	Required		Included or DOGM File location	Comments
	Yes	No	Included	Vol, Chapter, Page
Department of Commerce, Annual Report Officers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Department of Commerce, Annual Report Officers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Operator Comments:**Inspector:**

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments: The 2009 annual report contains a report from the Utah Department of Commerce.

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2009, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

Map Number(s)**Map Title/ Description**

Annual subsidence map			
Mine map	SUNNYSIDE REFUSE/SLURRY MINE MAP		
Other maps		Confidential	
		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Operator Comments:**Inspector:**

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments: The map shows topo lines from a 04/07 flight. The map also includes a photograph that shows the current deposition of mining at the facilities.

OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather than by individual mine, please identify each of the mine's data in the list below.

Additional attachment to this report?

Yes ☐

No ☒

Climate Data, Appendix B-1

Water Data, Appendix B-2

Operator Comments:**Inspector:**Has the operator complied with this section? Yes ☒ No ☐**Inspector Comments:**

Climate and water monitoring information are included with the 2009 annual report and were reviewed by the assigned Division Hydrologist.

Climate data (precipitation and temperature) are provided for 2009 for the weather observation station at Sunnyside, Utah. These climate data are submitted by the operator every year with the annual report. Copies of quarterly water monitoring data for 2009 are also included. The water monitoring data submitted with the 2009 annual report agree with the data which has been uploaded to the Division's Water Quality Database by the operator.

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

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APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

CONTENTS

APPENDIX D

Mine Maps

As required under R645-302-525-270

CONTENTS

APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

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